

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, JULY 17, 2006**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:04 p.m. on Monday, July 17, 2006, with President Gray presiding.

Councillor Franklin led the opening prayer and invited all present to join her in the Pledge of Allegiance to the Flag.

ROLL CALL

President Gray instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

28 PRESENT: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley
1 ABSENT: Langsford

A quorum of twenty-eight members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Abdullah recognized Olgen Williams, neighborhood activist, and others in attendance with him involved in tomorrow's "Peace in the Streets" event. Councillor Nytes recognized former City-County Councillor Karen Horseman. Councillor Oliver introduced Shelby Hayworth of Midwest Psychological Center. Councillor Talley recognized former City-County Councillor Frank Short. Councillor Mansfield introduced Mark Fisher with the Indianapolis Chamber of Commerce. Councillor Pfisterer recognized Chief Tim Harty, Indianapolis Police Department (IPD). Councilor Gibson recognized IPD Deputy Chief Betty Dobkins and all other public safety officers in attendance this evening. Councillor Randolph recognized former Indianapolis Fire Department Chief Louis Dezelan, Firefighters' State Representative Tom Miller, Tom Hanify of the Firefighters' Union, and all other firefighters in attendance.

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, July 17, 2006, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Monroe Gray
President, City-County Council

June 26, 2006

TO PRESIDENT GRAY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Jean Ann Milharcic, the following ordinances:

FISCAL ORDINANCE NO. 63, 2006 - approves an appropriation of \$8,246,200 in the 2006 Budget of the Police and Fire Divisions of the Department of Public Safety (Consolidated County Fund), the Marion County Coroner (County General Fund), Marion County Superior Court (County General Fund) and the Marion County Sheriff (County General Fund) to fund the public safety and criminal justice needs identified by the Criminal Justice Planning Council, to provide for the transfer of the Arrestee Processing Center from IPD to the Sheriff's Department effective July 1, 2006, and to fund the projected shortage of the Sheriff's fuel budget

FISCAL ORDINANCE NO. 65, 2006 - approves an increase of \$550,000 in the 2006 Budget of the Department of Public Safety, Director's Office (Non-Lapsing Federal Grants Fund) to "harden" potential targets of terrorism, including dams at Eagle Creek and Morse Reservoir and facilities at the Eli Lilly Corporation, financed by a grant from the U.S. Department of Homeland Security

FISCAL ORDINANCE NO. 66, 2006 - approves an increase of \$6,000,000 in the 2006 Budget of the Department of Public Safety, Police Division (Non-Lapsing Federal Grants Fund) to replace 2,000 hand held radios as part of the metropolitan Emergency Communications Agency's (MECA) plan to upgrade to a new digital radio system, financed by a grant from the U.S. Department of Justice

FISCAL ORDINANCE NO. 67, 2006 - appropriates \$139,263 in the 2006 Budget of the Marion County Public Defender Agency (State and Federal Grants Fund) to implement the 2nd year of a "Forensic Diversion: Alternatives to Incarceration" program, funded by a grant from the Indiana Criminal Justice Institute

FISCAL ORDINANCE NO. 68, 2006 - approves an appropriation totaling \$3,457,730 in the 2006 Budget of the Marion County Community Corrections (State and Federal Grants Fund) to appropriate state funds for the fiscal year 2006/2007, funded by a grant from the Indiana Department of Corrections

FISCAL ORDINANCE NO. 69, 2006 - approves an appropriation totaling \$90,434 in the 2006 Budget of Marion County Community Corrections (State and Federal Grants Fund) for a substance abuse treatment program to be provided to offenders located in the Community Corrections Center and the Marion County Jail, financed by a grant from the Indiana Criminal Justice Institute

FISCAL ORDINANCE NO. 71, 2006 - approves an increase of \$260,000 in the 2006 Budget of the Marion County Forensic Services Agency (State and Federal Grants Fund) to provide training, equipment and contract services aimed at improving the efficiency of the forensic DNA casework lab, financed by a grant from the U.S. Department of Justice

FISCAL ORDINANCE NO. 72, 2006 - approves an appropriation of \$5,000,000 in the 2006 Budget of the Department of Public Works, Operations Division, (Sanitation Liquid Waste Fund) to pay for work related to sanitary sewer infrastructure relocation as part of the Indiana Department of Transportation's (INDOT)

July 17, 2006

Accelerate I-465 projects to upgrade the interstate system in Marion County, the costs for which will be reimbursed by INDOT

FISCAL ORDINANCE NO. 73, 2006 - approves an appropriation of \$500,000 in the 2006 Budget of the Department of Public Works, Operations Division (State Grants Fund) to begin the first phase of a project to convert existing incandescent traffic signals to more energy efficient LED lights, funded by a grant from the Indiana Office of Energy and Defense Development

FISCAL ORDINANCE NO. 74, 2006 - approves an appropriation of \$34,944 in the 2006 Budget of the Department of Public Works, Policy and Planning Division (Consolidated County Fund) to hire interns, funded by contributions from the IUPUI Solution Center and from AMEC, Inc.

FISCAL ORDINANCE NO. 75, 2006 - approves an appropriation of \$830,000 in the 2006 Budget of the Department of Public Works, Operations Division (Sanitation Liquid Waste Fund) to pay increased costs for electric and gas utilities for the advanced wastewater treatment plants

FISCAL ORDINANCE NO. 76, 2006 - approves an appropriation of \$830,000 in the 2006 Budget of the Department of Public Works, Operations Division (Sanitation Liquid Waste Fund) to pay increased costs for electric and gas utilities for the advanced wastewater treatment plants

FISCAL ORDINANCE NO. 77, 2006 - approves a transfer of \$150,000 in the 2006 Budget of the Marion County Children's Guardian Home (County General Fund) to pay costs associated with privatizing the food service program

GENERAL ORDINANCE NO. 67, 2006 - amends the Code, Chapter 135, Article II, to create a new Section 224 establishing a mandatory electronic filing and certification process in the office of the Marion County Auditor

GENERAL ORDINANCE NO. 68, 2006 – authorizes parking restrictions on Paxton Place from College Avenue to Guilford Avenue (District 3)

GENERAL ORDINANCE NO. 69, 2006 – authorizes a multi-way stop at the intersection of Guion Road and Industrial Boulevard (District 7)

GENERAL ORDINANCE NO. 70, 2006 - authorizes a traffic signal for the intersection of Lafayette Boulevard and Lafayette Road (District 7)

GENERAL RESOLUTION NO. 10, 2006 - designates and establishes a municipal riverfront development project area pursuant to IC 7.1-3-20 to encourage new restaurant proprietors to invest in the central canal area

GENERAL RESOLUTION NO. 11, 2006 - approves certain public purpose grants totaling \$1,543,500 for the support of the arts

SPECIAL RESOLUTION NO. 44, 2006 - recognizes all those involved in response to the tragedy on Hamilton Avenue

SPECIAL RESOLUTION NO. 45, 2006 - recognizes Dr. Robert Burgbacher, retiring Executive Director of the Mary Rigg Neighborhood Center

SPECIAL RESOLUTION NO. 46, 2006 - acknowledges and celebrates the 2006 AT&T USA Outdoor Track and Field Championships

Respectfully,
s/Bart Peterson, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed.

Councillor Nytes said that the international visitors being recognized in Proposal No. 400, 2006 are running very late, and she asked for consent to hear this resolution when those visitors arrive. Consent was given.

President Gray asked for the Council to afford him a point of personal privilege and allow a few moments for neighborhood activist Olgen Williams to share a little about the “Peace in the Streets” event taking place tomorrow. Mr. Williams introduced Keith Turner, president of the Weed N’ Seed Youth Council, and Isaias Guerrero, George Washington High School student, to

share a little about the event. Mr. Turner and Mr. Guerrero stated that this event will show that the youth of this city care and are willing to take a stand and have a voice. They thanked the Council for the opportunity to share and invited them to join in the event.

Without further objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of June 19, 2006. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 372, 2006. The proposal, sponsored by Councillor Randolph, recognizes Youth Hoops of Indianapolis for its many accomplishments and contributions to the community. Councillor Randolph moved, seconded by Councillor Bradford, to postpone Proposal No. 372, 2006 until August 7, 2006. Proposal No. 372, 2006 was postponed by a unanimous voice vote.

PROPOSAL NO. 401, 2006. The proposal, sponsored by Councillor Randolph, recognizes August "Max" Metzler of Metzler Plumbing for 60 years of business in Pike Township. Councillor Randolph read the proposal and presented Mr. Metzler with a copy of the document and a Council pin. Mr. Metzler thanked the Council for the honor and recognized his wife Jane and son Larry who have helped him realize success. He said that Pike Township has treated his family well. Councillor Randolph moved, seconded by Councillor Schneider, for adoption. Proposal No. 401, 2006 was adopted by a unanimous voice vote.

Proposal No. 401, 2006 was retitled COUNCIL RESOLUTION NO. 90, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 90, 2006

A COUNCIL RESOLUTION recognizing August "Max" Metzler of Metzler Plumbing for 60 years of business in Pike Township.

WHEREAS, Max Metzler was born in Indianapolis, Indiana on January 7, 1919 and graduated from Manual High School in 1937; and

WHEREAS, Mr. Metzler served in the US Army during World War II, primarily in stateside assignments on the west coast, and moved to Pike Township shortly thereafter with his wife, Blanchalice "BA"; and

WHEREAS, Mr. Metzler worked at Allison Transmission for a few years before making the decision to start his own business, Metzler Home Repairs, in 1946; and

WHEREAS, Mr. Metzler decided to specialize in plumbing and moved his family to Kansas City to attend plumbing school and obtain his Master Plumber license. Upon completion, Mr. Metzler moved back to Pike Township and changed his company name to Metzler Plumbing; and

WHEREAS, Max and BA had nine children all graduate from Pike High School and were involved parents and sponsors of baseball and wrestling athletic awards through the Pike school system; and

WHEREAS, Mr. Metzler became a charter member in the Pike Lions Club in 1956 and was also an active member in the Indianapolis Plumbing-Heating-Cooling Contractors Association, where he served as President in 1967-1968; and

July 17, 2006

WHEREAS, Mr. Metzler served some time as a Church Trustee of Bethel United Methodist Church and after BA's passing in 1986, has actively participated in church sponsored mission trips with current wife, Jane; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes August "Max" Metzler for his contributions to the Pike Township area.

SECTION 2. The Council heartily congratulates Mr. Metzler on 60 years of business.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 402, 2006. The proposal, sponsored by Councillors Randolph and Nytes, recognizes Cordelia Lewis-Burks on her commitment to provide leadership and dignity for working families in the struggle for equality and justice through the vote. Councillor Randolph read the proposal and presented Ms. Burks with a copy of the document and a Council pin. Councillors Nytes and Gibson stated that Ms. Burks has been a great inspiration to many to run for public office and to empower others to be a part of the process through voting. Ms. Burks thanked the Council for the recognition and acknowledged her husband Jesse Burks and all her friends and family that have supported her. She encouraged more young people to continue to get involved in the process and serve in any way possible. Councillor Randolph moved, seconded by Councillor Nytes, for adoption. Proposal No. 402, 2006 was adopted by a unanimous voice vote.

Proposal No. 402, 2006 was retitled SPECIAL RESOLUTION NO. 47, 2006, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 47, 2006

A SPECIAL RESOLUTION recognizing Cordelia Lewis-Burks on her commitment to provide leadership and dignity for working families in the struggle for equality and economic justice through the vote.

WHEREAS, Ms. Lewis Burks is married to Jesse Burks, a member of the Indiana State Board of Pharmacists, and is the mother of two, grandmother of six, and great grandmother of seven; and

WHEREAS, Ms. Lewis-Burks is known for serving the community by educating and empowering others through the political process. She focuses on working with families through the labor movement and women of all ages and races and from all walks of life; and

WHEREAS, After 16 years of working as the Director of Politics and Legislation in the state of Indiana and for the American Federation of State, County, and Municipal Employees International Union, Ms. Lewis-Burks retired in 2005; and

WHEREAS, Ms. Lewis-Burks continues to serve her political party and believes that there is only one day of the year when all people are equal and that day is Election Day, if they are registered to vote; and

WHEREAS, Ms. Lewis-Burks continues to serve her community as a Member of the Board of Directors of the Children's Museum of Indianapolis, the Indianapolis Citizens Police Merit Board, the Indiana Association of United Ways, and numerous other local and national boards and committees; and

WHEREAS, Ms. Lewis-Burks been listed twice in the Who's Who in Black Indianapolis publication as one of the City's 100 most Influential Black Citizens and has received numerous acknowledgments for her work including Indiana's highest honor, The Sagamore of the Wabash; and

WHEREAS, Ms. Lewis-Burks credits her dedication to give back to her community to her mother who was active in the community, school and the church, but passed when Cordelia was 11 years old. She also credits her dedication to her father, a Minister with whom she helped raise her four siblings ages two weeks to nine years; and

WHEREAS, Ms. Lewis-Burks believes that the best gift to give your enemy is forgiveness; an opponent, tolerance; your spouse, complete fidelity; a friend, your loyalty; your children, a good example; a father, difference; your mother, conduct that will make her proud; and one's self, self respect; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes Cordelia Lewis-Burks on her many great accomplishments.

SECTION 2. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 403, 2006. The proposal, sponsored by Councillors Boyd, Borst, Nytes, Sanders, Conley, and Gibson, urges the principal participants success in discussions aimed at keeping the United States Grand Prix international sports event in central Indiana. Councillor Boyd read the proposal and moved for adoption.

Councillor Bradford asked if this proposal has anything to do with the Mayor's recent statement about subsidizing the Grand Prix. Councillor Boyd said that there is no fiscal support intended or stated with this resolution. Councillor Borst added that the Speedway never asks for money from local government and he does not believe they would. Councillor Boyd stated that Section 2 of the resolution refers to fiscal independence and he understands and agrees with Councillor Bradford's concern.

Councillor Talley seconded the motion for adoption, and Proposal No. 403, 2006 was adopted by a unanimous voice vote.

Proposal No. 403, 2006 was retitled COUNCIL RESOLUTION NO. 91, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 91, 2006

A COUNCIL RESOLUTION encouraging all the principal participants in the current discussions concerning the future of the United States Grand Prix (USGP) to continue conversations toward the end of retaining this world class event in central Indiana at the Indianapolis Motor Speedway.

WHEREAS, the first USGP Formula One (F-1) race was run at the Speedway in 2000 and, every since that run, the annual international sports event has given Indianapolis a singular distinction among all other cities in the nation; and

WHEREAS, the F-1 race is more than another sporting activity, the USGP is now an economic activity of major significance that radiates out from the Central Indiana area; and

WHEREAS, the anticipated drop-off of fan support after the running of the 2005 USGP never really materialized, thus giving solid indication that in addition to the very considerable continuing foreign fan base, there is very substantial and continuing local fan support; and

WHEREAS, Indianapolis has repeatedly demonstrated that it has both the capacity and attitude to successfully host the USGP; and

WHEREAS, the contract between Formula 1 and the Indianapolis Motor Speedway providing for the annual running of the United States Grand Prix at the Indianapolis Motor Speedway expired on July 2, 2006; and

July 17, 2006

WHEREAS, there is now a level of uncertainty as to whether USGP racing will continue into the 2007 season and beyond; now therefore;

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That the Indianapolis City-County Council encourages all the principle participants in the current discussions concerning the future of the USGP to continue conversations toward the end of retaining this world class event in central Indiana at the Indianapolis Motor Speedway.

SECTION 2. Be it further resolved that that the outcome of discussions and negotiations be consistent with the history, traditions and values of each involved party.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 404, 2006. The proposal, sponsored by Councillor Plowman, urges the Judiciary Committee of the United States Senate to conduct hearings on the interchange fees charged on credit card and other electronic transactions. Councillor Plowman read the proposal and moved, seconded by Councillor Gibson, for adoption. Proposal No. 404, 2006 was adopted by a unanimous voice vote.

Proposal No. 404, 2006 was retitled COUNCIL RESOLUTION NO. 92, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 92, 2006

A COUNCIL RESOLUTION urging the Judiciary Committee of the United States Senate to conduct hearings on the interchange fees charged on credit card and other electronic transactions.

WHEREAS, consumers are increasingly using credit cards and other electronic transactions to make purchases and the number of credit card transactions each year now exceeds the number of check transactions; and

WHEREAS, merchants, in order to participate in these transactions, are required to pay interchange fees to banks and credit card providers, which fees are generally hidden and not disclosed to consumers; and

WHEREAS, interchange fees are ultimately passed on to the consumers as costs the merchants have to pay, driving up the cost to all consumers, including customers who pay by cash or check who in effect subsidize rewards given to credit card customers; and

WHEREAS, interchange fees have risen dramatically in recent years and have been increased 13 times by the card networks since 2003; and

WHEREAS, the interchange fees supermarkets pay are an example of the size and inequity of the fees; the fees are typically almost double the profit margin of the supermarket; thus, the computerized payment network gets more dollars from the transactions than the net profit of the merchant that provides the goods; and

WHEREAS, the normal economic models do not work when either are very few businesses that process the transactions and merchants are forced to accept the terms dictated, often without notice or recourse, by the card processors; and

WHEREAS, as more and more consumers use electronic payment methods, the U.S. Congress needs to assure that the economic playing field is fair to consumers and merchants and the card providers; now therefore;

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council urges the Judiciary Committee of the United States Senate to conduct hearings on interchange fees which merchants are required to pay to credit and other electronic card issuers when consumers use the cards to make purchases.

SECTION 2. Be it further resolved that a copy of this resolution be forwarded to the members of the congressional delegation from the state of Indiana.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

In Chair Moriarty Adams' absence, Councillor Bowes reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 366 and 367, 2006 on June 21, 2006. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 366, 2006. The proposal, sponsored by Councillors Gray, Conley, Brown, Moriarty Adams and Oliver, appoints C L Day to the Marion County Juvenile Detention Center Advisory Board. PROPOSAL NO. 367, 2006. The proposal, sponsored by Councillors Gray, Conley, Brown and Moriarty Adams, reappoints D. Michael Wallman, as a lay person, to the Marion County Community Corrections Advisory Board. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Bowes moved, seconded by Councillor Conley, for adoption. Proposal Nos. 366 and 367, 2006 were adopted by a unanimous voice vote.

Proposal No. 366, 2006 was retitled COUNCIL RESOLUTION NO. 93, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 93, 2006

A COUNCIL RESOLUTION appointing C L Day to the Marion County Juvenile Detention Center Advisory Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Marion County Juvenile Detention Center Advisory Board, the Council reappoints:

C L Day

SECTION 2. The appointment made by this resolution is for a term ending on December 31, 2008. The person appointed by this resolution shall serve at the pleasure of the Council or until such earlier date as a successor is appointed and qualifies.

Proposal No. 367, 2006 was retitled COUNCIL RESOLUTION NO. 94, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 94, 2006

A COUNCIL RESOLUTION reappointing D. Michael Wallman, as a lay person, to the Marion County Community Corrections Advisory Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Marion County Community Corrections Advisory Board, the Council reappoints:

D. Michael Wallman

July 17, 2006

SECTION 2. The appointment made by this resolution is for a term ending on December 31, 2009. The person appointed by this resolution shall serve at the pleasure of the Council or until a successor is appointed and qualifies.

PROPOSAL NO. 368, 2006. Councillor Conley reported that the Public Works Committee heard Proposal No. 368, 2006 on June 29, 2006. The proposal, sponsored by Councillors Gray and Conley, reappoints Kathryn Rietmann to the Wellfield Education Corporation Board. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Conley moved, seconded by Councillor Gibson, to strike. Proposal No. 368, 2006 was stricken by a unanimous voice vote.

PROPOSAL NO. 400, 2006. The proposal, sponsored by Councillors Nytes, Mansfield, Abdullah, Mahern, Salisbury, Gibson, Talley, Pfisterer, Borst, Keller, Sanders, Boyd and Conley, recognizes the delegation of mayors from Israel and the Palestinian Authority participating in the International Visitor Leadership Program. Councillor Nytes read the proposal and presented representatives with copies of the document and Council pins. Councillor Mansfield welcomed representatives to the United States and said that Israel is an amazing part of the world. She said that the country is facing a difficult situation presently, and is therefore in her prayers. Councillor Abdullah thanked the delegation for taking time out to come, even though their country is facing such difficulties at the moment. Yaron Ben-Nun, Mayor of Gedera, and Ibrahim Jaffal, Mayor of Abu Dees, thanked the Council for the recognition and stated that it is an honor to come to the States to learn more about local government. They stated that they bring a message of peace and asked others to encourage their senators and representatives to help Israel any way they can in gaining peace between Israel and Palestine. Councillor Nytes moved, seconded by Councillor Gibson, for adoption. Proposal No. 400, 2006 was adopted by a unanimous voice vote.

Proposal No. 400, 2006 was retitled SPECIAL RESOLUTION NO. 48, 2006, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 48, 2006

A SPECIAL RESOLUTION recognizing the delegation of mayors from Israel and the Palestinian Authority participating in the International Visitor Leadership Program.

WHEREAS, the Department of State's International Visitor Leadership Program, with the help of the International Center of Indianapolis, is hosting 11 mayors from Israel and the Palestinian Authority in the United States from July 9-23, 2006; and

WHEREAS, outside of Washington, D.C. and New York City, the only other stop for the delegation is in Indianapolis from July 15-19, where the group has been meeting with local government officials, including Mayor Bart Peterson and Lieutenant Governor Becky Skillman, as well as attending the City-County Council meeting on July 17, 2006; and

WHEREAS, this program is designed to introduce Israeli and Palestinian elected local government officials to American local government to learn approaches to municipal management; and

WHEREAS, the group of elected officials will also be presented with a comprehensive overview of the United States political system, including the structure of Congress and the Executive Branch, the structure and role of political parties, and the separation of powers among federal, state and local levels of government; and

WHEREAS, the program will help increase participants' understanding of how our democracy and government operate, from the grassroots level to the highest government offices; and

WHEREAS, a community reception will also be hosted for the delegates by the Jewish Community Relations Council and the Peace Learning Center at the University of Indianapolis on the last evening of their stay in Indianapolis; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes the delegation from Israel and the Palestinian Authority, specifically: Mayor Yaron Ben-Nun of Gadera, Mayor Meir Dahan of Maskeret-Batia, Mayor Sami Eisa of Kfar Kassem, Mayor Avi Avraham Elkabetz of Afula, Mayor Arie Mazliach Farjun of Tirat Carmel, Mayor Ron Moskovich of Kfar Vradim, Mayor Ibrahim M.A. Jaffal of Abu Dees, Mayor Hani N.A. AbdalMashi of Beit Sahour, Mayor Walid Ahmad Issa Abbadi of Ya'bad, Mayor Okab N.D. Daraghma of Tubas, along with interpreters Abdelaziz Lachnani, Robert Miller, Nawzad Muradi, and Sara Schuster.

SECTION 2. The Council recognizes the value of global friendships and the importance of building relationships with leaders from other cities and countries and therefore extends a sincere welcome to the delegation of mayors from Israel and the Palestinian Authority, and wishes them a continued safe and educational visit in the United States.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 386, 2006. Introduced by Councillors Conley and Gray. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Brenda Rising-Moore to the City-County Administrative Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 387, 2006. Introduced by Councillors Conley, Brown, Gray, Abdualлах, Oliver, Moriarty Adams, Bowes, Mansfield, Franklin and Gibson. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Sherlonda Anderson as the Director of the Department of Administration and Equal Opportunity"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 388, 2006. Introduced by Councillors Moriarty Adams and Conley. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Katherine E. Aeschliman as hearing officer to preside over the administrative adjudication of parking citations "; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 389, 2006. Introduced by Councillors Sanders, Conley, Nytes, Moriarty Adams and Keller. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which authorizes the issuance and sale of one or more series of notes to procure funds to provide for the purchase or lease of certain equipment, vehicles and related capital items and appropriates such sum, not to exceed \$12,250,000"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 390, 2006. Introduced by Councillors Sanders, Nytes, Oliver, Mahern and Keller. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the issuance of limited recourse notes of the Redevelopment District for the purpose of paying the cost of redevelopment, including the construction of certain public infrastructure

improvements, in the Near Eastside Redevelopment Area"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 391, 2006. Introduced by Councillors Sanders, Nytes, Abdullallah, Mahern and Keller. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the issuance of special taxing district bonds, notes or other obligations of the Redevelopment District payable from taxes on real property and certain personal property of designated taxpayers located in the Consolidated/Harding Street Redevelopment Allocation Area and from other revenues of the Metropolitan Development Commission, acting as the Redevelopment Commission, in order to fund capital improvements at the downtown canal"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 392, 2006. Introduced by Councillors Conley, Gray, Brown, Abdullallah, Bowes, Moriarty Adams, Oliver, Mansfield, Franklin and Gibson. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Earl S. Morgan, Sr. as the Director of the Department of Public Safety"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 393, 2006. Introduced by Councillors Gray, Conley, Brown and Gibson. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Judith Hawley Conley to the Juvenile Detention Advisory Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 394, 2006. Introduced by Councillors Brown, Gray, McWhirter, Moriarty Adams and Sanders. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the issuance of one or more series of bonds and notes in an amount not to exceed \$45 million to finance the MECA communications system upgrade and other projects"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 395, 2006. Introduced by Councillors Moriarty Adams and Conley. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves a third amendment to the Marion County Sheriff's Department Personnel Retirement Plan"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 396, 2006. Introduced by Councillors Moriarty Adams and McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$815,988 in the 2006 Budget of the Department of Public Safety, Director's Office (Non-Lapsing Federal Grants Fund) to support the Indiana Intelligence Fusion Center, a facility that serves as a link between federal, state and local law enforcement agencies in support of homeland security and counter-terrorism, financed by a federal grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 397, 2006. Introduced by Councillors Moriarty Adams and McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$2,002,973 in the 2006 Budget of the Department of Public Safety, Police Division (Federal Grant and Non-Lapsing Federal Grant Funds) to enhance community policing efforts through technology improvements, investigative equipment, Weed & Seed for the West Side and Martindale Brightwood; Gang Resistance Education and Training within Marion County Schools; Community Prosecution and partnerships with the Indiana Coalition Against Sexual Assault and The Julian Center, all financed by federal grants"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 398, 2006. Introduced by Councillors Borst and Randolph. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$1,574,000 in the 2006 Budget of the Marion County Sheriff (Consolidated County Fund) to fund rental of additional jail beds under contracts with the Department of Corrections"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 399, 2006. Introduced by Councillors Conley, Brown, Sanders, Gibson and Boyd. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints David Woodruff, a neighborhood organization representative, to the Wellfield Education Corporation Board"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 405, 2006. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints James Bradford to the Juvenile Detention Advisory Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NOS 406-408, 2006, PROPOSAL NO. 409, 2006, PROPOSAL NO. 410, 2006, PROPOSAL NO. 411, 2006, PROPOSAL NOS. 412-418, 2006, PROPOSAL NOS. 419-420, 2006, and PROPOSAL NO. 421, 2006. Introduced by Councillor Mahern. Proposal Nos. 406-408, 2006, Proposal No. 409, 2006, Proposal No. 410, 2006, Proposal No. 411, 2006, Proposal Nos. 412-418, 2006, Proposal Nos. 419-420, 2006, and Proposal No. 421, 2006 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on June 26 and 30, 2006 and July 5, 6, and 7, 2006, . The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 101-116, 2006, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 101, 2006.

2006-ZON-024

650-652 EAST 10TH STREET AND 1002-1004 NORTH COLLEGE AVENUE, INDIANAPOLIS
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 9

ADAM VAN ROOY, BY Neighborhood/Downtown Zoning Assistance, Inc., request rezoning of .16 acres, from the C-1 District, to the CBD-2 classification to allow for residential use within two existing buildings.

REZONING ORDINANCE NO. 102, 2006.

2006-ZON-026

3653 CARSON AVENUE (Approximate Address), INDIANAPOLIS
PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 20

JANET JETT MILLER requests rezoning of 0.18 acre, from the D-4 District, to the C-3 classification to provide for Neighborhood Commercial Uses.

REZONING ORDINANCE NO. 103, 2006.

2006-ZON-045

30 NORTH AUDUBON ROAD, INDIANAPOLIS
WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 21

C. CHRISTOPHER BRANDT requests rezoning of 1.5 acres, from the D-5 District, to the SU-1 classification for an existing church.

July 17, 2006

REZONING ORDINANCE NO. 104, 2006.

2004-ZON-110

4225 SOUTH EAST STREET AND 500 EAST MARKETWOOD AVENUE, INDIANAPOLIS
PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 23

BI-RITE OIL, INCORPORATED, requests rezoning of 0.80 acre, being in the C-3 District, to the C-5 classification to provide for automobile use.

REZONING ORDINANCE NO. 105, 2006.

2006-ZON-037

2950, 2954, AND 2958 NORTH DEARBORN STREET (Approximate Address),
INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 10

TABERNACLE MISSIONARY BAPTIST CHURCH requests rezoning of 0.369 acre, being in the D-5 district, to the SU-1 classification to provide for the expansion of religious uses.

REZONING ORDINANCE NO. 106, 2006.

2005-ZON-021

5397 ROCKVILLE ROAD (Approximate Address), INDIANAPOLIS

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 14.

DONAS W. SINGLETON, by Michael J. Kias, requests a rezoning of 0.858 acre, being in the C-S District, to the C-S classification to provide for an automotive interior replacement and repair business.

REZONING ORDINANCE NO. 107, 2006.

2005-ZON-164

502, 506, 514, 516, 522, 524, 530 AND 602 EAST RAYMOND STREET, 2157, 2159, 2163 AND
2171 SOUTH EAST STREET AND 2166, 2169 AND 2171 SINGLETON STREET (Approximate
Addresses) INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 19.

SOUTHEAST NEIGHBORHOOD DEVELOPMENT, by David Kingen, requests a rezoning of 1.68 acres, being in the C-3 and D-5 (FF) Districts, to the C-S (FF) classification to provide for all permitted uses in the C-1, C-2 and C-3-C Districts as well as Single-family and Two-family dwellings, catering facilities and artist galleries.

REZONING ORDINANCE NO. 108, 2006.

2005-ZON-197

1101 EAST 16TH STREET (Approximate Address), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 9.

NEAR NORTH DEVELOPMENT CORPORATION, by David Kingen, requests a rezoning of 0.81 acre, being in the I-3-U District, to the C-S classification to provide for all C-3-C uses, outdoor seating, warehousing, artist galleries, music studios, and restaurant, with alcohol sales and live entertainment.

REZONING ORDINANCE NO. 109, 2006.

2005-ZON-200

7202 EAST WASHINGTON STREET (Approximate Address), INDIANAPOLIS

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 21.

BP PRODUCTS NORTH AMERICA, INC., by David Kingen, requests a rezoning of 0.49 acre, being in the C-4 District, to the C-5 classification to provide for general commercial uses.

REZONING ORDINANCE NO. 110, 2006.

2006-ZON-034

4900 JULIAN AVENUE AND 4800 EAST WASHINGTON STREET, (Approximate Address)
INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 21

BOARD OF SCHOOL COMMISSIONERS requests a rezoning of 17.18 acres, from the D-5 (FF) (FW) and SU-2 (FF) (FW) Districts, to the SU-2 (FF) (FW) classification to provide for educational uses.

REZONING ORDINANCE NO. 111, 2006.

2006-ZON-038

5212 ROCKVILLE ROAD (Approximate Address), INDIANAPOLIS

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 14

LINK FEDERAL CREDIT UNION, by Stephen D. Mears, requests rezoning of 1.683 acres, from the SU-35 District, to the C-3 classification to provide for neighborhood commercial uses.

REZONING ORDINANCE NO. 112, 2006.

2006-ZON-041

222 WEST MICHIGAN STREET AND 519 NORTH SENATE AVENUE (Approximate Address), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 15

TOM SHUMAKER requests rezoning of 0.394 acre, from the I-3-U (RC) District, to the CBD-2 (RC) classification to provide for central business district two uses.

REZONING ORDINANCE NO. 113, 2006.

2006-ZON-044

6650 WEST WASHINGTON STREET(Approximate Address), INDIANAPOLIS

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 13

GOODWILL INDUSTRIES OF CENTRAL INDIANA, by Philip A. Nicely, requests rezoning of 10.433 acres, from the C-S District, to the C-S classification to provide for all C-4 uses, the sale, service and repair of recreational vehicles, all terrain vehicles, boats, personal watercraft and snowmobiles, along with the sale of parts and accessories, and for a distribution facility use.

REZONING ORDINANCE NO. 114, 2006.

2005-ZON-145 (2005-DP-015)

6021 SOUTH ARLINGTON AVENUE (Approximate Addresses), INDIANAPOLIS

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 25.

JD WIGGINS AND ASSOCIATES requests a rezoning of 6.72 acres, being in the D-A District, to the D-P classification to provide for the construction of a single-family residential subdivision, with a density of 3.27 units per acre.

REZONING ORDINANCE NO. 115, 2006.

2005-ZON-163 (2005-DP-018)

8755 HAVERSTICK ROAD (Approximate Address), INDIANAPOLIS

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 3.

DON B. AND MARGUERITE F. CLARK, by David Kingen, requests a rezoning of 3.3 acres, being in the D-A District, to the D-P classification to provide for sixteen attached multi-family dwellings with a density of 4.85 units per acre.

REZONING ORDINANCE NO. 116, 2006.

2005-ZON-203

8035 & 8100 WEST THOMPSON ROAD (Approximate Address), INDIANAPOLIS

DECATUR TOWNSHIP, COUNCILMANIC DISTRICT # 22.

BBP, LIMITED PARTNERSHIP, by Philip A. Nicely, requests a rezoning of 35.4 acres, being in the I-4-S District, to the C-S classification to provide for selected permitted uses in the C-6 and I-4-S districts, office uses and equipment rental or sales.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 363, 2006. Councillor Sanders reported that the Administration and Finance Committee heard Proposal No. 363, 2006 on June 27, 2006. The proposal, sponsored by Councillors Sanders, Conley, Brown, Gray and Nytes, enables the Controller to reserve a percentage of county agency funding out of the County General Fund. By a 3-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Borst stated that on the surface, he originally thought this idea would be a good budgetary procedure, but he is uncomfortable with the “witch hunt” tone of a few of the “Whereas” statements and feels they are inappropriate. He said that this also would allow the Controller access into the FAMIS system and other areas that make it seem more like a power

grab. He said that he could have supported the reservation of five percent of the budget, but cannot support the other language included in the proposal.

Councillor Gibson said that the Controller needs to know the bottom line, with the Auditor giving timely reports and reconciling their books. He said that there has been a shortfall in tax receipts, and this proposal will simply insure that there is not a deficit. He said that it is the fiscally responsible thing to do.

Councillor Bowes urged Councillors to support the proposal and said that County officers only see their own budgets and do not see the whole picture, as the Controller can. He said that the proposal does not take anything away from these offices that has already been appropriated, unless there is a shortfall.

Councillor Nytes said that this proposal is not a “witch hunt” and is simply an attempt to fix a structural weakness. She said that the big picture needs to be taken into account until the Controller can see what revenues will be produced. She said that the only alternative to this is to cut budgets, and that process would be even more tedious. She said that if the County is short on collections, it is best to hold back reserves now. She said that this is not a power grab, but a prudent procedural tool.

Councillor Mansfield said that given the financial constraints on the County at this time, it is good to be proactive.

Councillor Schneider said that he agrees with Councillor Borst. He said that agency directors are elected officials, whereas the Controller is an appointed position. He said that there is not just one person who needs that final authority, and that authority should lie with this body of 29 elected officials.

Councillor Abdullallah said that the Council needs to be proactive and give the Controller the tools necessary to control the budget.

Councillor McWhirter moved, seconded by Councillor Salisbury, to call for the question and end debate. The motion was ruled indecisive on the following roll call vote; viz:

13 YEAS: Borst, Bradford, Cain, Cockrum, Day, Keller, McWhirter, Pfisterer, Plowman, Randolph, Salisbury, Schneider, Speedy

13 NAYS: Abdullallah, Bowes, Boyd, Brown, Conley, Franklin, Gibson, Gray, Mahern, Mansfield, Nytes, Oliver, Sanders

2 NOT VOTING: Moriarty Adams, Talley

1 ABSENT: Langsford

Councillor Conley asked if City Controller Robert Clifford can explain more about why this tool is needed. Mr. Clifford stated that his office has not been able to reconcile fund balances because they do not have accurate reports from the Auditor. He said that there will also be a possible loss of revenue because of appeals by AT&T, as in other counties. He said that they will only hold back balances if they find there is not enough funding or revenue available. He said that the only other option is to ask for reductions in appropriations in non-public safety areas.

Councillor Brown stated that the Controller would only be able to reserve five percent, and he agrees with having extra in reserves. He added that if extra revenue comes in, then some of that fund balance could be used to fund additional jail beds.

Mr. Clifford said that the Office of Finance and Management should have a better handle by the end of September on the trend in revenues and where the budget stands. He said that they will only rely on holding reserves as a last resort.

Councillor Bradford moved, seconded by Councillor Schneider, to call for the question and end debate. The motion was ruled indecisive on the following roll call vote; viz:

13 YEAS: Borst, Bradford, Cain, Cockrum, Day, Keller, McWhirter, Pfisterer, Plowman, Randolph, Salisbury, Schneider, Speedy

13 NAYS: Abduallah, Bowes, Boyd, Brown, Conley, Franklin, Gibson, Gray, Mahern, Mansfield, Nytes, Oliver, Sanders

2 NOT VOTING: Moriarty Adams, Talley

1 ABSENT: Langsford

Councillor Borst asked if there is a way to have the Council ratify a decision by the Controller to hold back a reserve of an agency or department. He said that he could somehow support a hybrid resolution, but cannot support the resolution as it stands now. Mr. Clifford said that the Council has the authority to oppose any reduction, and the Office of Finance and Management would respond to the desires of the Council. The Council could override a decision at any time.

Councillor Sanders said that they debated this issue in the Committee hearing, and the final authority still lies with the Council in the long run.

Councillor Brown stated that the Controller holds reserves and puts caps on spending for the City departments, and those decisions are fiscal matters and do not have to come back to the Council for approval. Therefore, he does not understand why the County funds are different, since the Controller now manages them as well.

Councillor Salisbury said that this does indeed seem like a power grab and continuation of a conflict between the Controller and Auditor's offices. He asked if it is true that the Controller took 10 positions away from the Auditor to add to their own office. Mr. Clifford said that there was a reduction of two positions in the Auditor's Office due to some responsibilities of the Office of Family and Children changing, and there were two new young certified public accountant (CPA) positions added this year to the Office of Finance and Management due to the budget responsibilities transferring to his office. He said that he does not know of any other positions that have changed.

Councillor Plowman said that County agency directors are elected officials, and this proposal would hamper their ability to manage their office and be accountable to the taxpayers that put them in office. Mr. Clifford said that last year, they asked for voluntary reductions and reversions and were told no one had money to spare. They had to then go through the Council to find those reductions, and it would be much easier to do this way.

Councillor Bradford moved, seconded by Councillor Plowman to call for the question and end debate. The motion carried on the following roll call vote; viz:

20 YEAS: Borst, Bowes, Bradford, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, McWhirter, Moriarty Adams, Pfisterer, Plowman, Salisbury, Sanders, Schneider, Speedy

5 NAYS: Boyd, Brown, Mansfield, Nytes, Oliver

3 NOT VOTING: Abduallah, Randolph, Talley

1 ABSENT: Langsford

July 17, 2006

Councillor Sanders moved, seconded by Councillor Gibson, for adoption. The vote on adoption of Proposal No. 363, 2006 was ruled indecisive on the following roll call vote; viz:

14 YEAS: Abdullah, Bowes, Boyd, Brown, Conley, Franklin, Gibson, Gray, Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Sanders

13 NAYS: Borst, Bradford, Cain, Cockrum, Day, Keller, McWhirter, Pfisterer, Plowman, Randolph, Salisbury, Schneider, Speedy

1 NOT VOTING: Talley

1 ABSENT: Langsford

Councillor Bowes asked if Councillor Talley has been excused from the vote. President Gray stated that he has not been excused by the President, but that he has no idea where Councillor Talley is and could therefore not hold the board open longer.

PROPOSAL NO. 369, 2006. Councillor Boyd reported that the Rules and Public Policy Committee heard Proposal No. 369, 2006 on June 20 and 29, 2006. The proposal, sponsored by Councillors Brown, Sanders, Gray, Conley, Langsford, Keller, Mansfield, Talley, Franklin and Moriarty Adams, approves the consolidation of the Washington Township Fire Department into the Indianapolis Fire Department on the effective date of January 1, 2007. By a 5-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor McWhirter said that she has concerns about the property tax freeze. She asked how the inventory tax coming off next year will allow for a tax freeze, and who will make up the tax loss. Councillor Boyd said that the property tax freeze is until the end of 2008. Councillor McWhirter asked if the Fire District will then take on the burden of that additional revenue if the inventory tax comes off the rolls. Mr. Clifford said that he believes revenue trending will offset the loss of inventory tax. He said that he anticipates that the levy will stay the same and Washington Township will keep 32% of that revenue, while the Fire District would receive all growth in assessed valuation. He said that he believes if the inventory tax comes off, they will break even.

Councillor Salisbury asked if the property tax freeze is only for the fire service portion of the tax. Mr. Clifford said that it is only for the fire portion. Councillor Salisbury said that if the schools or other taxes go up, the Washington Township tax would still increase. Mr. Clifford said that this is correct, and that Washington Township has the lowest rate in the County and the overall tax rate could increase for other reasons. Councillor McWhirter said that Washington Township also has the highest assessed valuation in the County.

Councillor Borst said that he has concerns about the vagueness of the proposal and the lack of detail to support this consolidation and he is not yet convinced it is necessary. He said that he agrees that there are some things the two fire departments can do together to save money, like training, but feels the proposal is vague. He said that he is not sure it really enhances public safety simply by adding people to apparatus. He added that recent problems with the Auditor/Controller consolidation and law enforcement consolidation do not give him a lot of confidence in the consolidation process, and therefore he cannot support the proposal.

Councillor Bradford said that Section 2 requires IFD to continue community programs funded by Washington Township and it specifically lists five programs. He said that IFD has their own board to make these types of decisions and they are a non-profit 501(c)(3) corporation. He is not sure, therefore, how the Council can dictate to them what community programs they will fund. Suzannah Overholt, Office of Corporation Counsel, stated that they anticipate that these programs

will continue to be offered and they are a part of the deal the trustee cut with the City. Councillor Bradford said that the “shall” language makes it required, and the City has no real authority over a 501(c)(3) corporation. Ms. Overholt stated that in Section 18, it indicates that the board of directors will determine how funds are spent, and if there are problems with that fund, the department will find other ways to fund these programs. Councillor Bradford said that it makes no sense to include that language if there is no actual control, and the tax rate will have to increase after the two years to continue to fund such programs.

Councillor Randolph said that he has never believed there would be real savings but does believe the tax rate will stay frozen for a couple of years. He said that he is willing to support this proposal, however, in order to get it off the table and focus on more important things related to public safety and become serious about crime.

Councillor Mansfield said that she represents District 2, which is in Washington Township. She said that there has been a lot of information presented to constituents of Washington Township and extensive public input allowed. She has not heard any negative comments regarding the consolidation. She added that the Washington Township board, the Trustee, the firefighters, and the community support the consolidation.

Councillor Schneider stated that he is a Washington Township resident, and he must have attended different public meetings than Councillor Mansfield, because he gets a different feel from his constituents. He said that if this consolidation would increase services or save taxpayers money, he could support it. However, there has been no savings information compiled, so he cannot determine if there will be savings. As a lifelong resident of Washington Township, he has heard nothing but accolades regarding the fire service. He said that they looked at consolidation in 2002, and there are things they are already doing to realize efficiencies in Washington Township, as well as other townships. He said that Washington Township has the lowest tax rate of all fire tax rates in the County, and he sees no need to support this proposal. He said that passage of this proposal would be putting the township’s financial future in the hands of a City administration that has raised taxes.

Councillor Boyd moved, seconded by Councillor Gibson, for adoption. Proposal No. 369, 2006 was adopted on the following roll call vote; viz:

17 YEAS: Abdullah, Bowes, Boyd, Brown, Conley, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Pfisterer, Randolph, Sanders
10 NAYS: Borst, Bradford, Cain, Cockrum, Day, McWhirter, Plowman, Salisbury, Schneider, Speedy
1 NOT VOTING: Talley
1 ABSENT: Langsford

Proposal No. 369, 2006 was retitled GENERAL ORDINANCE NO. 71, 2006, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 71, 2006

PROPOSAL FOR A GENERAL ORDINANCE to approve the consolidation of the Washington Township Fire Department with the Indianapolis Fire Department on the effective date of January 1, 2007;

WITNESSETH THAT:

WHEREAS, substantial operational efficiencies, a reduction of administrative costs, and economies of scale may be obtained through the consolidation of certain functions of local units of government; and

July 17, 2006

WHEREAS, the territory of the Fire Special Service District overlaps a portion of Washington Township, which results in fire protection services in the Township being provided in part by the Washington Township Fire Department and in part by the Indianapolis Fire Department; and

WHEREAS, the fire protection service needs throughout Washington Township are not so varied or dissimilar that their provision by both the Washington Township Fire Department and the Indianapolis Fire Department is required or justified; and

WHEREAS, Indiana statutes authorize the consolidation of a township fire department located in the county into the Indianapolis Fire Department; and

WHEREAS, the Washington Township Board resolved and adopted a Resolution approving the consolidation of the Washington Township Fire Department into the Indianapolis Fire Department on the effective date of January 1, 2007, subject to the provisions of Indiana Code § 36-3-1-6.1, and forwarded such Resolution to the city-county council; and

WHEREAS, the Washington Township Trustee also approved the consolidation of the Washington Township Fire Department into the Indianapolis Fire Department as provided in the Washington Township Board's Resolution, and subject to the provisions of Indiana Code § 36-3-1-6.1; and

WHEREAS, the city-county council, having been advised by various persons and organizations with respect to the anticipated consequences of such a consolidation, now finds that such consolidation will serve the public interest by resulting in the provision of an enhanced level of public safety and fire protection services, with greater efficiency and at a lower cost; now, therefore,

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Washington Township Fire Department of Washington Township, Marion County (hereinafter referred to as "WTFD"), shall be and hereby is consolidated into the Indianapolis Fire Department (hereinafter referred to as the "IFD") effective at 12:00:01 a.m. local time on January 1, 2007 (hereinafter referred to as the "effective date"), subject to the provisions of Indiana Code § 36-3-1-6.1. Beginning on the effective date, the IFD shall provide fire protection services within the geographic area of Washington Township previously served by the WTFD, which shall continue to carry a Washington Township designation.

SECTION 2. On the effective date, all of the real property used as the WTFD fire stations, as well as all personal property, equipment, records, rights, and contracts of the Township, for and on behalf of the WTFD, are transferred to and/or assumed by the City, for and on behalf of the IFD. Such real and personal property is set forth as follows:

I. REAL AND PHYSICAL PROPERTY

The real and physical property of the Township shall be divided as follows:

- (a) The Township shall retain title to the following real property:
 - (1) The Trustee's Office at 1595 East 86th Street;
 - (2) Emergency Relief and Support Services (maintenance) at 5117 North Michigan Road;
and
 - (3) The lease rights to the Small Claims Court at 2184 East 54th Street.
- (b) The City shall acquire title to the following real property, as well as all physical assets contained therein:
 - (1) The fire station at 2508 East 71st Street;
 - (2) The fire station at 2151 West Kessler Boulevard;
 - (3) The fire station at 1599 East 86th Street;
 - (4) The fire station at 8404 Ditch Road; and
 - (5) The fire station at 4045 East 56th Street.

- (c) The City shall acquire ownership of all other Township assets necessary for the continuation of fire service within the former WTFD jurisdiction, including but not limited to the Fire Safety Trailer and SCBA testing equipment.
- (d) The Township shall retain title to all other non-scheduled Township assets used for civil government purposes and/or not solely used for the fire service.

II. VEHICLES

The vehicles and apparatus owned by the Township shall be divided as follows:

- (a) The Township shall retain title to the following vehicles:
 - (1) The 2003 Ford F350 assigned to Car 207;
 - (2) The 2000 and 2001 Ford F150 pickup trucks, if but only if the Township retains responsibility for Support Services; and
 - (3) The 2004 Ford Crown Victoria assigned to Emergency Assistance.
- (b) Title of all other vehicles owned by the Township shall be transferred to the City upon the effective date of consolidation.

III. COMMUNITY INVOLVEMENT

The following community activities shall continue as provided in this general ordinance:

- (a) Fire safety education provided at current levels to the Township schools;
- (b) An annual Washington Township Fire Safety Festival;
- (c) One annual neighborhood smoke detector blitz in each of the five department station districts;
- (d) An annual poster coloring contest; and
- (e) An annual Senior Citizen Chili Supper at Station 221.

The Township commits to retaining ownership and maintaining in good repair all such property owned by the Township or by the WTFD on June 15, 2006, continuously from that date until the effective date of consolidation. The Township further commits to advise and consult with the IFD Chief regarding any acquisition of property, or any agreement to acquire or dispose of property entered into, from June 15, 2006 until the effective date of consolidation. IFD shall continue to operate the fire stations and maintain and staff the fire apparatus currently maintained by WTFD at the same staffing levels as WTFD as of June 15, 2006 until such time as any other fire department is consolidated into IFD. Prior to such further consolidation, equipment and staffing within the former WTFD jurisdiction may be moved within the former WTFD jurisdiction, and may be moved outside the former WTFD jurisdiction only with the approval of the Township Trustee and Board. The parties specifically acknowledge that the Township is in the process of entering one or more agreements for the long term lease of certain cell towers located on WTFD property. The parties specifically agree that the Township reserves the right to enter such long term agreements and if such agreements are entered prior to January 1, 2007, the City shall enter a lease with the Township, leasing those cell towers back to the Township for a term equal to the agreements entered by the Township and for a lease rental of no more than One Dollar (\$1.00) for the entire term.

SECTION 3. On the effective date, the Township Board shall cease to have any authority over WTFD, including its budget, except as set forth in this general ordinance. All responsibility and authority for the consolidated department shall rest with IFD, the City's Department of Public Safety, the City Controller, the Mayor, and the City-County Council.

SECTION 4. On the effective date, the employees of the WTFD shall cease employment with the WTFD and become employees of the IFD. In this regard, the City shall assume all agreements with labor organizations that are in effect on the effective date of such consolidation and that apply to the employees of the WTFD who become employees of the IFD. Further in this regard, the Township commits to advise and consult with the IFD Chief regarding any termination, layoff, or other reduction in force of WTFD employees, the employment of any additional WTFD personnel, or the promotion of any WTFD personnel from June 15, 2006 until the effective date of consolidation. If deemed appropriate by the IFD and WTFD Chiefs, IFD and

WTFD may engage in a joint hiring and promotional process in 2006, subject to fiscal review by the City Controller.

SECTION 5. On the effective date, the duties of the WTFD merit board are transferred to and assumed by the City's civilian fire merit board.

SECTION 6. Upon consolidation, any indebtedness related to fire protection services incurred prior to the effective date by the Township, or by any entity on behalf of the Township, shall remain the debt of the Township and does not become a debt of, and may not be assumed by, the City. Such indebtedness shall include, but not be limited to all personnel costs, utility expenses, legal claims and other expenses of providing fire protection service incurred through December 31, 2006. In this regard, any indebtedness related to fire protection services incurred prior to the effective date by the City shall remain the debt of the City, and property taxes levied to pay such debt may only be levied by the City's fire special service district.

SECTION 7. Upon consolidation, the Township shall retain all cash assets and investments, and the right to receive all tax levies, assessments and other tax distributions due and payable prior to January 1, 2007, whether or not such sums are paid to the Township prior to that date. The Township shall use any cash assets, investments, tax levies, assessments and other tax distributions designated for firefighting purposes, including, but not limited to, firefighting funds and fire cumulative funds, to pay any indebtedness described in SECTION 6 of this general ordinance. The Township may then use any remaining cash assets, investments, tax levies, assessments and revenues designated for firefighting purposes, including, but not limited to firefighting funds and fire cumulative funds, for any purpose permitted by law when the purposes of a tax levy have been fulfilled and an unused and unencumbered balance remains in the fund.

SECTION 8. Upon consolidation, a WTFD firefighter who was a member of either the 1937 firefighters' pension fund or the 1977 police officers' and firefighters' pension and disability fund prior to the effective date, remains a member of his or her respective fund, and shall receive credit for any service as a member of such fund prior to the effective date, as provided in Indiana Code § 36-3-1-6.1, subsections (h)(2) and (h)(3).

SECTION 9. On the effective date, the Township's local boards for the 1937 firefighters' pension or the 1977 police officers' and firefighters' pension and disability fund are dissolved and their services are terminated, as provided in Indiana Code § 36-3-1-6.1, subsection (h)(6). The duties performed by such local boards under Indiana Code Chapter 36-8-7 and Indiana Code Chapter 36-8-8, respectively, are assumed by the City's local boards.

SECTION 10. Upon consolidation, property taxes to fund the pension obligation under Indiana Code Chapter 36-8-7 for members of the 1937 firefighters fund and to fund the obligation under Indiana Code Chapter 36-8-8 for members of the 1977 police officers' and firefighters pension and disability fund who were members of IFD on the effective date of the consolidation may be levied only by the fire special service district within the fire special service district. Property taxes to fund the pension obligation for members of the 1937 firefighters fund and members of the 1977 police officers' and firefighters pension and disability fund who were not members of the fire department of the consolidated city on the effective date of the consolidation may be levied by the consolidated city within the city's maximum permissible ad valorem property tax levy within the fire special service district and the Township, as provided in Indiana Code § 36-3-1-6.1(h)(7).

SECTION 11. Upon consolidation, the maximum permissible ad valorem property tax levy for fire protection and related services for the Township under Indiana Code Chapter 6-1.1-18.5 for property taxes first due and payable in 2007, is reduced for the Township by the amount equal to the maximum permissible ad valorem property tax levy in 2006 for fire protection and related services for the Township, and such levy is transferred to the consolidated city as provided in Indiana Code § 36-3-1-6.1, subsection (h)(4)(B).

SECTION 12. Upon consolidation, the ad valorem property tax levy for the Township's fire cumulative building and equipment fund for property taxes first due and payable in 2007, is reduced for the Township by the amount equal to the property tax levy in 2006 for the Township's fire cumulative building and equipment fund and such levy is transferred to the consolidated city as provided in Indiana Code § 36-3-1-6.1, subsection (h)(5).

SECTION 13. The Township currently uses its certified monthly distribution of the county option income tax (hereinafter referred to as "COIT") to pay the costs of operating WTFD. The Township and the City shall enter into an interlocal agreement regarding the transfer of COIT used to pay the costs of operating the WTFD to the City for the cost of operating IFD in the Township.

SECTION 14. Upon consolidation and through December 31, 2008, or until a countywide fire department is created, whichever occurs earlier, the property tax rate for fire service of residents of the Township who were previously provided fire protection service by WTFD shall not be increased for fire operations. Upon the

expiration of this term or the creation of a countywide fire department, whichever is earlier, the property tax rate for fire protection service paid by Township residents previously served by WTFD may be modified by the City and City-County Council.

SECTION 15. Upon consolidation, the City shall establish, operate, and maintain fire-based emergency ambulance services in that part of the Township currently served by WTFD, as provided in Indiana Code § 36-3-1-6.2.

SECTION 16. Upon consolidation, WTFD firefighters, who are currently represented by Local 416-Washington Township, shall continue to be represented by Local 416 so long as Local 416 is the chosen bargaining representative of the firefighters of the consolidated department. The working conditions contained in the current collective bargaining agreement between Local 416 and IFD and IFD's rules and regulations shall apply to the WTFD firefighters, including the staffing levels set forth in that agreement.

SECTION 17. Salaries of WTFD firefighters should be consistent with IFD within eighteen (18) months of the effective date of consolidation, or no later than July 1, 2008. Prior to that date, the salaries of WTFD firefighters in place for 2006 shall remain in effect and no WTFD firefighter will have a decrease in current contractual pay or benefits. This provision does not limit the ability of Local 416 and the City to negotiate regarding firefighter wages and benefits.

SECTION 18. Upon consolidation and until such time as determined by the IFD Chief, the Board and Trustee, the current community activities of the WTFD set forth in SECTION 2 of this general ordinance shall be continued and funded from the Washington Township Fire Contribution Fund, Inc.

SECTION 19. Section 251-213 of the "Revised Code of the Consolidated City and County," regarding general powers of the public safety director with respect to the city fire force, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 251-213. Director, general powers with respect to city fire force.

The director of public safety shall have the following general powers and duties with respect to the consolidated city fire force and such other specific powers and duties as may be enumerated in this article or as may be granted by the mayor, the city-county council or by law:

- (1) To exercise control of all matters and property relating to and connected with the fire division;
- (2) To divide the ~~fire special service district territory~~ territory within which the consolidated city fire force has jurisdiction under Section 252-102 of the Code into geographic areas for administrative and operational purposes;
- (3) To administer and oversee the department's fire merit system relating to appointment, transfer, discipline and removal of members and employees of the department pursuant to applicable rules, regulations and laws in accordance with an established merit system;
- (4) To negotiate settlements or agreements with member representatives relating to compensation and benefits;
- (5) To make recommendations to the director of administration relating to employee compensation and benefits;
- (6) To fix the number of employees, members and reservists of the consolidated city fire force;
- (7) To make general and special rules and regulations for the administration and discipline of the consolidated city fire force;
- (8) To determine and implement policies, methods and means by which operations are to be conducted; and
- (9) To appoint individual citizens to supplement the employees and members of the force in the performance of the duties of the force.

SECTION 20. Sections 252-101 and 252-102 of the "Revised Code of the Consolidated City and County," regarding the fire department jurisdiction, powers and duties, hereby are amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 252-101. Definitions.

As used in this article, the following words and phrases shall have the following meanings: ascribed to them in this section.

- (a) ~~Chief~~ shall mean means the chief executive officer of the force appointed pursuant to this article.
- (b) ~~Civilian fire merit board~~ shall mean means the consolidated city fire merit board created pursuant to this article.
- (c) ~~Consolidated city fire force or force~~ shall mean means the fire division of the department of public safety.
- (d) ~~Department~~ shall mean means the department of public safety.
- (e) ~~Director~~ shall mean means the director of the department of public safety.
- (f) ~~Employee~~ shall mean means a regularly employed civilian employee of the consolidated fire force.
- (g) ~~Fire special service district~~ shall mean a means the special service district ~~in which the consolidated city fire force shall have jurisdiction created pursuant to IC 36-3-1-6.~~
- (h) ~~Member~~ shall mean means a regularly employed firefighter of the force.

Sec. 252-102. Fire division, jurisdiction, powers, duties.

(a) The fire division of the department shall be known as the consolidated city fire force of Indianapolis. The authority and jurisdiction of the force shall extend throughout the fire special service district created under IC 36-3-1-6 as the same may exist from time to time and such other territory where the consolidated city fire force provides fire protection services as provided by law.

(b) It shall be the duty of the consolidated city fire force to suppress all fires which occur in the fire special service district and such other territory, and to prevent the occurrence and spread of such fires; to provide emergency medical services and rescue operations, and to investigate fires.

(c) The consolidated city fire force shall have all powers prescribed in Chapter 591 of this Code and all other powers necessary to these duties and any other powers granted by law, the city-county council or the mayor.

SECTION 21. Section 252-109 of the "Revised Code of the Consolidated City and County," regarding the provision of fire protection services by the fire department outside the fire special service district, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 252-109. Fire protection by the Indianapolis Fire Department outside the fire special service district.

The Indianapolis Fire Department may provide fire protection or services outside the boundaries of the fire special service district, only under the following circumstances and upon the following conditions:

- (1) ~~If~~ The chief of the Indianapolis Fire Department or the director of the department of public safety ~~enters~~ may enter into any contract or mutual agreement or understanding with the ranking fire officer of any existing municipal or volunteer fire department or with the chief executive officer of any unit of government which maintains or finances an established fire department, wherein the agreement provides for the mutual assistance between the Indianapolis Fire Department and the other fire department such that the ranking officer of the respective fire departments' may request, when necessary, the assistance without charge to the assisted department. The Indianapolis Fire Department is authorized to render such assistance as is requested by the ranking officer on duty with the respective department so long as the rendering of such assistance shall not endanger the citizens of the fire special service district or threaten the ability of the Indianapolis Fire Department to render services within the fire special service district.
- (2) The department of public safety of the city, upon approval of the mayor, may enter into a contract with any person, municipality, or other governmental unit which is situated at a place not within the fire special service district but within the county and which is desirous of contracting with the city for regular fire protection involving the use and services of the Indianapolis Fire Department.

The details of such contract shall be specified by the department of public safety, but each contract must provide that the city furnish on a calendar-year basis so much firefighting service and apparatus as may be reasonably necessary on the request of the contracting person, municipality or other governmental unit when a fire exists at the premises of such person or within the boundaries of the municipality or governmental unit, but that obligation to render such services shall not exist at any time that the same would endanger or threaten the services of the Indianapolis Fire Department to the citizens of the fire special service district. The contract shall also provide for a negotiated rate or fees payable as required by the department of public safety for the rendering of such services and may provide for additional charges based on the actual services and apparatus used in the performance of such agreement.

- (3) Upon consolidation of a township fire department into the Indianapolis Fire Department pursuant to IC 36-3-1-6.1, the Indianapolis Fire Department shall provide fire protection or services in the territory where such services were formerly provided by the township fire department.

SECTION 22. Section 252-201 of the "Revised Code of the Consolidated City and County," regarding the fire merit board, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 252-201. Fire merit board.

(a) There shall be established a civilian fire merit board which shall consist of four (4) members who shall be appointed by the director and two (2) members who shall be elected by the active members of the fire department in accordance with IC 36-8-3.5-1. Each member of the merit board shall be a ~~resident voter of the special service district~~ registered voter who resides within the department's jurisdiction as established by Section 252-102 of the Code, and no member appointed or elected to the merit board shall be a member of the department or of any other police or fire department or agency, or hold another elective or appointive office in either a city, town, township, county or state government. Members of the merit board shall serve for a term of two (2) years, and all members, either elected or appointed, shall serve during their respective terms and until their respective successor shall be appointed or elected, and qualified.

An appointed member of the merit board may be removed by the director, with or without cause, without right of hearing. If a vacancy occurs among the members of the merit board appointed by the director, the director shall appoint a replacement to serve the unexpired term. If a vacancy occurs among the members of the merit board elected by the active members of the department, a replacement shall be elected by the active members of the department in accordance with IC 36-8-3.5-8 to serve the unexpired term. A member of the merit board may be appointed or elected for successive terms.

(b) The chief of the department shall be an ex officio member of the merit board without voting power.

(c) Three (3) members of the board shall constitute a quorum for the purpose of taking official action; however, in the event of a tie vote, the recommendation of the chief shall be deemed adopted by the board.

(d) The merit board shall establish rules for its operation. Included in such rules shall be the time and place for holding regular monthly meetings and such special meetings throughout the year as may be deemed necessary to transact its business. Each year the merit board, with the concurrence of the director, shall select from its members a president, vice-president and secretary.

(e) The merit board shall administer and supervise the merit system established by this article.

(f) The city-county council, in accordance with IC 36-3-6-6, may provide the board a monthly stipend of fifty dollars (\$50.00).

SECTION 23. Section 591-102 of the "Revised Code of the Consolidated City and County," regarding definitions applicable in the chapter on fire prevention and protection, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 591-102. Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them in this section.

Class 1 structure means buildings and structures as defined in the Indiana Administrative Code 675 IAC 12-6.

July 17, 2006

Class 2 structure means buildings and structures as defined in the Indiana Administrative Code 675 IAC 12-6.

Fire department means the Indianapolis Fire Department and the township fire departments that render fire prevention or protection services to ~~each township~~ the townships in Marion County that are not completely within the boundaries of the Indianapolis Fire Special Service District, and that have not been consolidated into the Indianapolis Fire Department.

Fire prevention bureau means the fire prevention bureau established by this chapter for the Indianapolis Fire Department or of a township fire department located within the county.

Fire prevention chief means the administrative head of a fire prevention bureau appointed pursuant to section 591-202 or 591-203 of this Code.

Hazardous condition means the presence of a structural condition, equipment, utility connection, materials which constitutes or poses a recognized threat of fire or other injury to persons or property.

Private dwelling means a building used exclusively as the personal residence of one (1) or two (2) families.

SECTION 24. Sections 591-201, 591-202, and 591-203 of the "Revised Code of the Consolidated City and County," regarding the establishment, jurisdiction, and organization of fire prevention bureaus, hereby are amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 591-201. Fire prevention bureaus established; jurisdiction.

(a) As authorized by IC 36-8-17, there is hereby established a local fire prevention bureau within the Indianapolis Fire Department and within each township located within the county that is not completely within the boundaries of the Indianapolis Fire Special Service District, and whose township fire department has not been consolidated into the Indianapolis Fire Department.

(b) The jurisdiction of the various fire prevention bureaus shall be as follows:

- (1) The fire prevention bureau established within the Indianapolis Fire Department shall have jurisdiction ~~within the Indianapolis Fire Special Service District~~ that is coterminous with the jurisdiction of such Department; and,
- (2) Each township fire prevention bureau shall have jurisdiction within the portion of that township which is outside the boundaries of the Indianapolis Fire Special Service District and other municipalities having a municipal fire department.

Sec. 591-202. Organization of the Indianapolis Fire Prevention Bureau.

The fire prevention bureau of the Indianapolis Fire Department shall be under the supervision of the fire prevention chief appointed pursuant to the applicable personnel rules of the fire department. ~~The jurisdiction of the bureau shall be within the fire special services district.~~

Sec. 591-203. Organization of the township fire prevention bureaus.

(a) The ~~local~~ fire prevention bureau established in each township pursuant to section 591-201 shall be operated under the executive control of the township trustee and the administrative supervision of the township fire chief.

(b) The fire prevention bureau of each township fire department shall be under the supervision of the fire prevention chief appointed pursuant to the applicable personnel rules of the fire department. ~~The jurisdiction of the bureau shall be within each respective township fire service area.~~

SECTION 25. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 26. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 27. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Councillors Gibson, Boyd, Bradford, Sanders, Brown and Franklin asked for consent to explain their votes. Consent was given.

Councillor Gibson stated that there has been unprecedented bi-partisan support for this proposal, which shows him that the parties can agree if it is good for the County.

Councillor Boyd said that this should have happened long ago, but unfortunately, the General Assembly sits as Council on the matter of consolidation.

Councillor Bradford said that this proposal is too broad and has changed dramatically in the last 30 days without additional sufficient public input and time to digest. He said that this proposal will mean that Washington Township will subsidize IFD, and therefore, he could not support it.

Councillor Sanders said that it was shown that the Washington Township Fire Department would need an emergency loan or tax increase if this had not been done, and this action will provide close to \$2.5 million in savings.

Councillor Brown said that this was the right thing to do for public safety.

Councillor Franklin said that this consolidation process ran very smoothly and is how a consolidation should be handled, and she only wishes the Police and Sheriff Department consolidation could run as smoothly.

NEW BUSINESS

Councillor Cockrum said that Proposal No. 363, 2006 should be returned to Committee to work things out since it failed due to an indecisive vote. He moved, seconded by Councillor Bradford, to return the proposal to Committee. President Gray said that this motion is out of order at this time.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Borst stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor All in memory of Rollen Brandt; and
- (2) Councillor Mansfield and Langsford in memory of Chief Warrant Officer William Timothy Flanigan; and
- (3) Councillor Mansfield and Bowes in memory of Rosie Felton; and
- (4) Councillor Mansfield in memory of Staff Sgt. Benjamin D. Williams; and
- (5) Councillor Nytes in memory of Linda Smalling and Michael Nolting; and
- (6) Councillor Day and Randolph in memory of Frank Donley; and

July 17, 2006

- (7) Councillor Randolph in memory of Joseph Albert Williams, Rev. Hallie Black, Launa Udan, Obie Pennyman, Thomas J. "TJ" Edmond, and Mpozi Tolbert; and
- (8) Councillor Pfisterer in memory of Lynn Clark, Sr., Harold Gore, Bernice Abbott, Louis Manfuso, Ernest Eppen, Claudia Tharp Totten, Edward R. Johnson, Philip Persi, Margaret Warmoth, Geno Floreancig, Richard Glenn Wiles, Mildred Cunningham, Shirley Vaughn, Pat Sims, and Eleanor Basch Chapman; and
- (9) Councillor Oliver in memory of W. Rondal "WR" Justice, Elizabeth A. "Ann" Thomas Rasdell, Dwayne Young, Doris Brewster House, Algean S. Dobbins, and Julius B. Dobbins; and
- (10) Councillor Oliver and Randolph in memory of Arthur Lee "Art" Shead; and
- (11) Councillor Brown in memory of William "Billy" Romeril; and
- (12) Councillor Borst and Pfisterer in memory of Judge John M. "Jack" Ryan; and
- (13) Councillor Plowman in memory of Mpozi Mshale Tolbert; and
- (14) Councillor Sanders in memory of Mary Marcella Clidinst.

Councillor Borst moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Rollen Brandt, Chief Warrant Officer William Timothy Flanigan, Rosie Felton, Staff Sgt. Benjamin D. Williams, Linda Smalling, Michael Nolting, Frank Donley, Joseph Albert Williams, Rev. Hallie Black, Launa Udan, Obie Pennyman, Thomas J. "TJ" Edmond, Mpozi Tolbert, Lynn Clark, Sr., Harold Gore, Bernice Abbott, Louis Manfuso, Ernest Eppen, Claudia Tharp Totten, Edward R. Johnson, Philip Persi, Margaret Warmoth, Geno Floreancig, Richard Glenn Wiles, Mildred Cunningham, Shirley Vaughn, Pat Sims, Eleanor Basch Chapman, W. Rondal "WR" Justice, Elizabeth A. "Ann" Thomas Rasdell, Dwayne Young, Doris Brewster House, Algean S. Dobbins, Julius B. Dobbins, Arthur Lee "Art" Shead, William "Billy" Romeril, Judge John M. "Jack" Ryan, Mpozi Mshale Tolbert and and Mary Marcella Clidinst. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:05 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 17th day of July, 2006.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

President

ATTEST:

Clerk of the Council

(SEAL)

